

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CRAIG SCHMELL,

Plaintiff,

v.

MORGAN STANLEY & CO., INC.,

Defendant.

Civ. No. 17-13080

MEMORANDUM ORDER

THOMPSON, U.S.D.J.

IT APPEARING that, on October 15, 2018, the Court ordered the parties to proceed with arbitration and to stay proceedings pending the conclusion of arbitration (ECF No. 36); and it further

APPEARING that Plaintiff Craig Schmell now files a Motion to Certify the Court's October 15, 2018 Order for Interlocutory Appeal (ECF No. 40); and it further

APPEARING that such a certification is a matter of the district court's discretion, *Swint v. Chambers Cty. Comm'n*, 514 U.S. 35, 47 (1995); and it further

APPEARING that such a certification may be granted "[w]hen a district judge . . . shall be of the opinion that . . . an immediate appeal from the order may materially advance the ultimate termination of the litigation," 28 U.S.C. § 1292(b); and it further

APPEARING that "an immediate appeal of [an order compelling arbitration] will not advance the ultimate termination of the litigation, particularly in light of the superior efficiencies of arbitration versus traditional litigation," *Demetriou v. EarthLink, Inc.*, 2010 WL 11566063, at *2 (citing *Mitsubishi Motors Corp. v. Soler Chrysler-Plymouth, Inc.* 473 U.S. 614, 633 (1985));

IT IS on this ____ day of December, 2018,

ORDERED that Plaintiff's Motion to Certify the Court's October 15, 2018 Order for Interlocutory Appeal (ECF No. 40) is DENIED.

/s/ Anne E. Thompson
ANNE E. THOMPSON, U.S.D.J.